

REMARKS

Election of Species

The Examiner requires an election of species between the following three species:

1. Hydrophobically modified nonionic cellulose ether
2. Quaternary ammonium cellulose ether
3. Anionic cellulose ether

It is the Examiner's position that Claim 1 is generic and that Claims 3 and 4 correspond to species 1, Claims 5 and 6 correspond to species 2, and Claims 7 and 8 correspond to species 3. Applicants elect with traverse species 1. Applicants' traversal is based on the ease with which all claims could be examined together by the Patent and Trademark Office. A single search would suffice to find the art related to modified cellulose ether fabric treatment agents. It would be no more burdensome for the Office to examine all claims at once than to examine the claims in three distinct groups.

Applicants also respectfully disagree with the Examiner's characterization of Claim 1 as the only generic claim. Claims 2, 9, and 10 are also generic as they each encompass all three species.

Accordingly, Applicants respectfully request that the election requirement be reconsidered and withdrawn.

35 U.S.C. § 102(b) Rejections

The Examiner rejects Claims 1 - 4, 9, and 10 under 35 U.S.C. §102(b) as being unpatentable over U.S. 5,308,513 issued to Harmalker et al.. The Examiner indicates that Harmalker et al. teaches fabric conditioning aqueous liquid emulsions which are wash cycle additives for through-the-wash use. The Examiner cites Examples 2 and 4 of Harmalker et al. to support the rejection.

Applicants respectfully disagree with the Examiner's position. To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

As the Examiner indicates, Harmalker et al., teaches a **fabric conditioning liquid**. Harmalker et al. however, does not teach or suggest either expressly or inherently the laundry detergent composition of the instant invention. The Examiner cites Examples 2 and 4 of Harmalker et al. to support his rejection of Claims 1 - 4, 9, and 10. The Examiner also

indicates that Harmalker et al. teaches a liquid emulsion composition which includes *inter alia* citric acid. Applicants respectfully disagree with the Examiner's position.

The Examiner is respectfully requested to note that Harmalker et al. utilizes citric acid as an intermediate which is used to form a multi-functional carboxylic acid complex of a tertiary amine. [See Harmalker et al., column 3, lines 5 - 48, column 4, lines 15 - 60, and Example 2, lines 10 - 27] Harmalker et al. does not teach the use of citric acid alone. Furthermore, Example 2 of Harmalker et al. relates to a fabric conditioning liquid. Example 2 does not teach or suggest a **detergent composition**.

Yet further, the components of the granular detergent of Example 4 of Harmalker et al., do not suggest or teach either inherently or expressly the laundry detergent composition of the instant invention (See Harmalker et al. column 11, lines 20 - 55). Hence, Harmalker et al. does not anticipate Claims 1 - 4, 9, or 10 of the instant invention. Applicants respectfully request the Examiner, to reconsider and withdraw this rejection and allow Claims 1 - 4, 9, and 10 of the instant invention.

The Examiner rejects Claim 1 under 35 U.S.C. §102(b) as being unpatentable over WO 96/17917 published in the name of Elliott et al.. The Examiner indicates that Elliott et al. teaches liquid personal cleansing compositions. The Examiner cites as an example a composition comprising 6% alkyl ether sulfates, 0.3% modified hydroxyethylcellulose polymer, and 1% preservative containing EDTA.

Claim 1 has been amended to overcome the Examiner's rejection. The organic detergency builders of Claim 1 have been more specifically defined to overcome the Examiner's rejection. Elliott does not teach the organic detergency builders of amended Claim 1. As the Examiner's 35 U.S.C. §102(b) rejection of Claim 1 over Elliott et al. has been overcome, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The Examiner's rejections under 35 U.S.C. §102(b) have been overcome, Applicants request the Examiner to reconsider and withdraw these rejections and allow the claims in the instant application.

SUMMARY

Claim 1 has been amended. New Claim 11 is added. The Examiner requires an election of species. Applicants elect with traverse to prosecute the invention of species 1, Claims 1 - 4, 9, and 10. Applicants' traversal is based on the ease with which all claims could be examined together by the Patent and Trademark Office. Accordingly, Applicants respectfully request that the election requirement be reconsidered and withdrawn. Applicants also respectfully disagree with the Examiner's characterization of Claim 1 as the only generic claim. Claims 2, 9, and 10 are also generic as they each encompass all three species.

The Examiner's rejection of the instant application under 35 U.S.C. §102(b) has been

overcome. The Examiner is respectfully requested to reconsider and withdraw this rejection and allow the claims in the instant application. No new matter is added.

This response to the Office Action dated February 26, 2002 should be considered timely filed on May 28, 2002 as May 26, 2002 fell on a Sunday and Monday May 27, 2002 was a federal holiday (Memorial Day). Hence, it is believed that no additional fees are due.

Respectfully submitted,
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